

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REVISED

AGENDA FOR REGULAR COUNCIL MEETING

**JANUARY 31, 2012
COUNCIL CHAMBERS
8:30 a.m.**

AND

**LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
JANUARY 30, 2012
9:00 a.m.**

NOTICE OF CHANGE IN STARTING TIME AND PROCEDURES EFFECTIVE IMMEDIATELY

**PLEASE NOTE THAT THE CITY COUNCIL MEETING STARTS AT 8:30 A.M. AND
PERSONS WISHING TO SIGN UP TO SPEAK ON THE AGENDA MUST SIGN UP
PRIOR TO 8:30 A.M.**

NOTICE: At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.

ROLL CALL

INVOCATION BY: CIMA CHAPLAIN Carlos Clugy-Soto

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

- 1. Black History Month**
- 2. WICKED Days in El Paso**

RECOGNITION:

CITY EMPLOYEES

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

NOTICE:

Requests to speak must be received by **8:30 a.m.** on the date of the meeting.
30 Minutes total is allotted for speakers.
Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of January 24, 2012.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Mayor Pro Tempore Ann Lilly, Representatives Carl Robinson, Steve Ortega, and Cortney Carlisle Niland

3. RESOLUTIONS:

- 3A.** That the City Manager be authorized to sign a Contract by and between the City of El Paso and Hines Interests, L.P. granting Hines Interests, L.P. an option to conduct a Feasibility Study for a new hotel and conference center adjacent to the Butterfield Trail Golf Club. **(All Districts)** [Airport, Monica Lombraña, (915) 780-4724]
- 3B.** A Resolution that the City Manager be authorized to sign an Agreement for the Temporary Closure of State Right-of-Way (Form TEA 30 A), made between the State of Texas acting by and through the Texas Department of Transportation and the City of El Paso, for the temporary closure and use of State-owned and -operated highway (Transmountain Road) on February 19, 2012, for the purpose of the Susan G. Komen Race for the Cure, which has been found by the City to serve a public purpose (LPAR12-00002) **(District 4)**
[Department of Transportation, Mirian Spencer, (915) 541-4050]
- 3C.** A Resolution that O.P.E.P. be authorized to provide for the sale and service of alcoholic beverages at its Mardi Gras Block Party in the closed portion of Ochoa Street between First Avenue and Paisano Drive from 9:00 pm Tuesday, February 21, 2012 to 2:00 am Wednesday, February 22, 2012 (NESV12-00003) **(District 8)** [Department of Transportation, Mirian Spencer, (915) 541-4050]
- 3D.** A Resolution that Lava Entertainment Group, LLC be authorized to provide for the sale and service of alcoholic beverages at its Mardi Gras Block Party in the closed portion of San Antonio Street between Durango Street and Anthony Street from 7:00 pm Tuesday, February 21, 2012, to 2:00 am Wednesday, February 22, 2012 (NESV12-00006) **(District 8)**
[Department of Transportation, Mirian Spencer, (915) 541-4050]
- 3E.** A Resolution that Kenneth Velazquez and Wally Sebastian, LLC doing business as Geogeske/Dane's Steakhouse be authorized to provide for the sale and service of alcoholic beverages at its Bourbon Street on Cincinnati Street 2012 Block Party in the closed portion of Baltimore Avenue between Stanton Street and Mesa Street and the alley connecting Baltimore Avenue and Cincinnati Avenue between Stanton Street and Mesa Street from 12:00 pm Tuesday, February 21, 2012 to 2:00 am Wednesday, February 22, 2012 (NESV12-00007) **(District 1)** [Department of Transportation, Mirian Spencer, (915) 541-4050]
- 3F.** A Resolution authorizing the City Manager or her designee to certify the annual report to the Economic Development Administration on the City/County Joint Revolving Loan Fund for the periods ending September 30, 2010 and September 30, 2011. **(All Districts)**
[Planning and Economic Development, Mathew McElroy, (915) 541-4193]
- 3G.** That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the County of El Paso in which the County authorizes the City to use the El Paso County's Sheriff's incinerator located at 3850 Justice Drive to destroy confiscated narcotics. This agreement shall be effective on January 1, 2012, regardless of the date of execution, and shall terminate on September 30, 2012. Thereafter, the annual renewal period will be from October 1 to

September 30. The agreement will automatically renew for additional one year periods unless terminated by either party. This agreement is not expected to exceed \$35,000 annually. **(All Districts)**

[Police, Assistant Chief Robert Feidner, (915) 564-7166]

4. BOARD RE-APPOINTMENT:

Xavier J. Saenz to the Revolving Loan Fund Board by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

5. BOARD APPOINTMENTS:

5A. Jorge M. Diaz, Jr. to the Community Development Steering Committee by Representative Cortney Carlisle Niland, District 8.
[Representative Niland, (915) 541-4268]

5B. Rida H. Asfahani to the Tax Increment Reinvestment Zone Number Five by Mayor John F. Cook. [Mayor John F. Cook, (915) 541-4145]

6. DISCRETIONARY FUNDS:

That the City Council declares that the expenditure of District 2 discretionary funds in an amount not to exceed \$1000 to be used towards the costs of traffic control and related services for the Mighty Mujer Triathlon to be held on April 28, 2012, which provides women in El Paso the opportunity to participate in the City's first all female triathlon and allows the City to have its logo (seal) displayed and promote upcoming City events and sports facilities through the distribution of brochures to the participants serves a municipal purpose and is authorized. **(All Districts)**

[Representative Susie Byrd, (915) 541-4416]

7. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

7A. Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend current Contract 2009-084 (Electric Cart Operator Services) with Goodwill Industries of El Paso, Inc. for one additional year pursuant to the provisions of an award approved by the City Council on February 24, 2009. The extended contract period will be from April 1, 2012 to March 31, 2013.

Department:	Aviation
Award to:	Goodwill Industries of El Paso, Inc. El Paso, TX
Option:	One [of One]
Annual Estimated Amount:	\$71,673.25
Total Estimated Amount:	\$71,673.25 (1 year)
Account No.:	62620005 – 502215 – 40101
Funding Source:	Airport Operating Funds – Outside Contracts
Districts:	All

[Airport, Monica Lombraña, (915) 780-4724]

[Financial Services, Bruce D. Collins, (915) 541-4313]

- 7B.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Securitas Security Services, Inc., the sole source provider of computer hardware and video surveillance software and support, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department:	Fire
Award to:	Securitas Security Services, Inc. El Paso, TX
Total Estimated Award:	\$182,842.47
Account No.:	22150024 – 503303 – 07192 – G221007
Funding Source:	FY09 Homeland Security Grant Program – UASI (Critical Infrastructure/Key Resource Project: EPWU)
Sole Source No.:	2012-122
Districts:	All

This is a Sole Source, service and unit price contract.
[Office of Emergency Management, Mario D'Agostino, (915) 838-3260]
[Financial Services, Bruce D. Collins, (915) 541-4313]

8. REQUEST FOR PROPOSAL:

The award of Solicitation No. 2012-071R (Airport Parking Facility Management) to Standard Parking Corporation for a total estimated award of \$454,887 for management fees.

Department:	Aviation
Award to:	Standard Parking Corporation Cleveland, OH
Items:	All
Initial Term:	5 years
Option:	None
Annual Estimated Amount:	Year 1 - \$85,680 Year 2 - \$88,250 Year 3 - \$90,898 Year 4 - \$93,625 Year 5 - \$96,434
Total Estimated Award:	\$454,887 (5 years for management fees)
Account No.:	62620006 – 502207 – 40101
Funding Source:	Airport Operating Fund – Management Services Contracts
Districts:	All

This is a RFP, services contract.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

The Financial Services - Purchasing Division and Department of Aviation recommend award as indicated to Standard Parking Corporation, the highest ranked proposer based on evaluation factors established for this procurement.

[Airport, Monica Lombraña, (915) 780-4724]

[Financial Services, Bruce D. Collins, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

9. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 9A.** An Ordinance vacating the vehicular access to a portion of Upson Avenue and Missouri Street, all of Block Q out of Satterthwaite Addition an unrecorded plat, City of El Paso, El Paso County, Texas. Applicant: City of El Paso. SURW11-00008 **(District 8)** [Planning and Economic Development, Kevin Smith (915) 541-4903]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 7, 2012, FOR ITEM 9A

- 9B.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code) of the El Paso City Code, by repealing Chapter 18.02 in its entirety and adopting a new Chapter 18.02 in its place, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code. **(All Districts)**
[Engineering and Construction Management, Victor Morrison-Vega, (915) 541-4557]

- 9C.** An Ordinance changing the zoning of Lots 3 and 4, Block 9, Montecillo Unit Three Replat A, City of El Paso, El Paso County, Texas from C-2 (Commercial) to SCZ (SmartCode Zone). The penalty is as provided for in Chapter 21.60 of the El Paso City Code. Subject Property: south of Castellano Drive, north of Executive Center, east of Interstate 10; and west of Mesa Street, Property Owner: EPT Mesa Development, LP. PZRZ11-00052 **(District 8)**
[Planning and Economic Development, Melissa Granado, (915) 541-4730]

PUBLIC HEARING WILL BE HELD ON FEBRUARY 21, 2012, FOR ITEM 9B - 9C

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

10. AIRPORT:

Discussion and action on the award of Solicitation No. 2012-082 (Aircraft Rescue and Firefighting (ARFF) Vehicle) to Oshkosh Corporation for a total award of \$520,807.

Department: Aviation

Award to: Oshkosh Corporation
Appleton, WI
Items: All
Option: None
Unit Amount: \$520,807 (per unit)
Total Award: \$520,807 (for 1 unit)
Account No.: 62620031 – 508027 –11519 – G620AIP0029
Funding Source: Fire Truck and Safety Equipment – FAA Airport Improvement Program Grant
Districts: All

This is a low bid, unit price purchase.

The Financial Services - Purchasing Division and Department of Aviation recommend award as indicated to Oshkosh Corporation, the lowest responsive, responsible bidder.

[Airport, Monica Lombraña, (915) 780-4724]

[Financial Services, Bruce D. Collins, (915) 541-4313]

11. ENGINEERING AND CONSTRUCTION MANAGEMENT:

Discussion and action on the award of Solicitation No. 2012-077 for the Stiles Drive, Street and Drainage Improvements Bucher Road to Nichols Drive to GarCom, Inc., for a total estimated amount of \$1,219,925.53.

Department: Engineering and Construction Management
Award to: GarCom, Inc.
Base Bid 1: \$ 933,544.03
Base Bid 2: \$ 286,381.50
Total Estimated Completion: \$1,219,925.53
Funding Source: Community Development Block Grant (CDBG) 37th Year El Paso Water Utilities
District: 3

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering and Construction Management Department recommends award as indicated to the lowest responsible bidder.

[Engineering and Construction Management, R. Alan Shubert, (915) 541-4423]

REGULAR AGENDA – PUBLIC HEARINGS

12. PLANNING AND ECONOMIC DEVELOPMENT:

- 12A.** Discussion and action on an Ordinance granting Special Permit No. PZST11-00010, to allow for Infill Development and a Parking Reduction on the property described as North 45 ft. of Lots 1 and 2, the North 45 ft. of the West 5 ft. of Lot 3, and the North 40 ft. of the East of Lot 3, Block 32, East El Paso Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2900, 2902 Rosa Avenue. Property Owner: Family Crisis Shelter of El Paso. PZST11-00010 **(District 8)**
[Planning and Economic Development, Esther Guerrero (915) 541-4720]
Postponed from 12-20-2011
- 12B.** Discussion and action on an Ordinance amending Title 20 (Zoning), Chapter 20.18 (Sign Regulations) of the El Paso City Code to revise standards for manufacturer identification signs in C-3 and C-4 Zoning Districts. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**
[Planning and Economic Development, Kimberly L. Forsyth, (915) 541-4668]
- 12C.** Discussion and action on an Ordinance granting Special Permit No. PZST11-00012, to allow for infill development with reduced yard setbacks and reduced lot width on the property described as Lot 23 and the East 16.67 feet of Lot 24, Block 62, East El Paso Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3118 Missouri Avenue. Property Owner: Frank Jr. and Maria G. Dominguez. PZST11-00012 **(District 8)**
[Planning and Economic Development, Esther Guerrero, (915) 541-4720]
- 12D.** Discussion and action on an Ordinance amending a condition placed on property by Ordinance No. 016588 which changed the zoning of a portion of H.G. Foster Survey 262, City of El Paso, El Paso County, Texas, and which imposed a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: East of the intersection of Franklin Dove Avenue and Franklin Bluff Drive. Property Owner: Hunt Communities, GP, LLC. PZCR11-00004 **(District 1)** [Planning and Economic Development, Esther Guerrero, (915) 541-4720]

13. PARKS AND RECREATION:

Discussion and action on a resolution to approve the use of 0.9743 acres of parkland at Memorial Park for the expansion of Crockett Elementary School, and in accordance with Chapter 26 of the Texas Parks and Wildlife code, the City Council determines that there is no feasible and prudent alternative to the taking of the Memorial Park acreage and that the proposed plans include all reasonable planning to minimize harm to the land as a park. **(District 2)** [Parks and Recreation, Nanette Smejkal, (915) 541-4283]

14. DEPARTMENT OF TRANSPORTATION:

Discussion and action on an Ordinance granting a Special Privilege License to Joe Rosales permitting the encroachment of an 8 foot by 11 inch existing staircase within portions of City right-of-way on South Oregon Street adjacent to the property located at 510 South Oregon Street. NESV11-00051 **(District 8)**
[Department of Transportation, Mirian D. Spencer, (915) 541-4482]

REGULAR AGENDA – OTHER BUSINESS

15. MAYOR AND COUNCIL:

15A. Discussion and action on legal matters related to U.S. Congressional re-districting plans for the State of Texas and redistricting litigation in the U.S. District Court for the Western District of Texas, San Antonio Division. **(All Districts)** [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

15B. Discussion and action on a resolution calling a special election in the City of El Paso for the submission of the recall of three members of the City Council, and making provisions for the conduct of the election; and related matters. **(All Districts)** [City Attorney's Office, Elaine Hengen, (915) 541-4550]

15C. Discussion and action to authorize the Purchasing Manager to issue a purchase order and sign any necessary agreements for the procurement of voting machines and related services or, to authorize the City Manager to sign an Interlocal Governmental Agreement with the County of El Paso or other governmental entity relating to the procurement of voting machines and related services, in an amount not to exceed \$800,000. Funding Source: 01101, General Fund; 99010273 Non-Departmental; 504405 Contingency; **(All Districts)**
[City Attorney's Office, Sylvia Firth, (915) 541-4550]

16. CITY MANAGER:

City Manager's report of current events and issues:

Presentation and discussion on the 1st Quarter Financial Report for FY 2012. **(All Districts)** [City Manager's Office, William F. Studer, (915) 541-4215]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

EX1. Monaco Entertainment Group, LLC and David Cooper vs. City of El Paso, et. al.; Cause No. EP-11-CV-0561-DB (551.071) [City Attorney's Office, Kenneth Krohn (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>